

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VALEANT PHARMACEUTICALS
INTERNATIONAL, INC.; SALIX
PHARMACEUTICALS, INC.; PROGENICS
PHARMACEUTICALS, INC.; and WYETH
LLC, formerly known as WYETH,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS, INC.;
MYLAN LABORATORIES LTD.; MYLAN
INC.; and ACTAVIS LLC.

Defendants.

Civil Action No. 2:17-cv-06714-SRC-CLW
(consolidated)

STIPULATED CONSENT JUDGMENT AND INJUNCTION

Whereas Plaintiffs Valeant Pharmaceuticals International ("Valeant"), Salix Pharmaceuticals, Inc. ("Salix"), Progenics Pharmaceuticals, Inc. ("Progenics") and Wyeth LLC ("Wyeth") and Defendant Actavis LLC ("Actavis") have agreed to the terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Confidential Settlement and License Agreement (the "Settlement Agreement"),

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Actavis, through their undersigned counsel of record, that:

1. In the event that the claims of Plaintiffs' U.S. Patent No. 9,669,096 ("096 Patent") and U.S. Patent No. 9,492,445 ("445 Patent") asserted against Actavis are not held invalid or unenforceable, absent a license or other authorization from Plaintiffs,

the '096 Patent and '445 Patent would be infringed by any unlicensed manufacture, sale, offer for sale, use, or importation in the United States of the generic products that are the subject of Actavis's Abbreviated New Drug Applications (the "Actavis Products", as defined in the Parties' Settlement Agreement).

2. Actavis and anyone acting on the behalf of Actavis, except as expressly licensed by Plaintiffs, will be enjoined until expiration of the '096 Patent and '445 Patent from (i) making, using, offering to sell, selling, or importing until expiration of the '096 Patent and '445 Patent the Actavis Products in the United States, and (ii) participating in the profits from making, using, offering to sell, selling, or importing the Actavis Products in the United States, and (iii) indemnifying others with respect to any making, using, offering to sell, selling, or importing the Actavis Products in the United States.

3. Notwithstanding any provision of the foregoing, Actavis shall be entitled to contest the infringement, validity and/or enforceability of the '096 Patent and '445 Patent in any future litigation over the '096 Patent and/or the '445 Patent pertaining to any product that is not the Actavis Products and is not the subject of the Actavis ANDAs (as defined in the Parties' Settlement Agreement).

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Stipulated Consent Judgment and Injunction and the parties' related agreements resolving this matter.

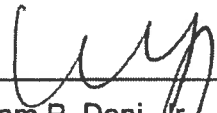
6. Plaintiffs acknowledge that Actavis is entitled to maintain its Paragraph IV certification to the '096 Patent and '445 Patent pursuant to 21 C.F.R. § 314.94(a)(12)(v). Each Party acknowledges and agrees that the 30-month stay with respect to the approval of the Actavis ANDAs under 21 U.S.C. § 355(j)(5)(B)(iii) is hereby terminated.

7. The Clerk of Court is directed to enter this Stipulated Consent Judgment and Injunction.

Dated: May 29, 2018

GIBBONS P.C.

Attorneys for Plaintiffs Valeant Pharmaceuticals International, Inc., Salix Pharmaceuticals, Inc., Progenics Pharmaceuticals, Inc., and Wyeth LLC



William P. Deni, Jr.
Charles H. Chevalier
J. Brugh Lower
One Gateway Center
Newark, NJ 07102
(973) 596-4500

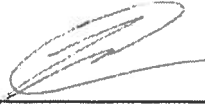
Of Counsel:

Bryan C. Diner
Justin J. Hasford
Megan Leinen Johns
Kristi L. McIntyre
FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
(202) 408-4000

Jessica M. Lebeis
FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, LLP
271 17th Street, NW
Suite 1400
Atlanta, GA 30363-6209
(404) 653-6400

JASON B. LATTIMORE, ESQ. LLC

Attorneys for Defendant Actavis LLC



Jason B. Lattimore
55 Madison Avenue, Suite 400
Morristown, NJ 07960
(973) 998-7477

Of Counsel

Elizabeth J. Holland
Robert V. Cerwinski
Joshua A. Whitehill
GOODWIN PROCTER LLP
The New York Times Building
620 8th Avenue
New York, NY 10019
(212) 813-8800

Nicholas K. Mitrokostas
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1913

5/31/18

So Ordered: 